

## **MINUTES**

### **MONTANA SENATE 58th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By **SEN. MIKE WHEAT**, on March 24, 2003 at 3:35 P.M., in Room 335 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. John Cobb, Chairman (R)  
Sen. Mike Sprague, Vice Chairman (R)  
Sen. Kelly Gebhardt (R)  
Sen. Carolyn Squires (D)  
Sen. Mike Wheat (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Pat Murdo, Legislative Branch  
Mona Spaulding, Committee Secretary  
Rebecca Sattler, Transcription of Minutes

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

|                        |                                     |
|------------------------|-------------------------------------|
| Hearing & Date Posted: | HB 431, 3/21/2003                   |
| Executive Action:      | HB 731, Be Concurred In;            |
|                        | HB 686, Be Concurred In;            |
|                        | HB 532, Be Concurred In As Amended; |
|                        | HB 680, Action Deferred             |
|                        | HB 218, Be Concurred In As Amended; |
|                        | HB 468, Be Concurred In;            |
|                        | HB 253, Be Concurred In As Amended; |
|                        | HB 599, Brought Back to Committee   |

\***SEN. WHEAT** was the acting chairman for the day.

**HEARING ON HB 431**

**Sponsor:** REP. BOB LAWSON, HD 80, Whitefish

**Opening Statement by Sponsor:**

**REP. LAWSON** stated that the focus of the bill is on Page 2, Lines 2-5 of the bill, to allow a local government the first right of refusal when certain state land is to be sold. He explained the original bill as drafted and that the fiscal note was not accepted by the House State Administration Committee. He said that the current bill contains no negative fiscal impact.

***{Tape: 1; Side: A; Approx. Time Counter: 0 - 4.1}***

**Proponents' Testimony:**

**Gary Marks, City Manager, City of Whitefish**, expressed the City's support of HB 431. He said that this deals specifically with the armory in Whitefish and would have no fiscal impact. The City Council desires to purchase the property, and this bill would allow that to happen. The property is currently vacant and unsightly. Mr. Marks explained that Roy Duff, a WWII veteran, was a leading advocate in developing the armories. This bill would provide for the armory to be reestablished for the community, and renamed in his honor.

***{Tape: 1; Side: A; Approx. Time Counter: 4.1 - 8.4}***

**Tom Muiri, Dan Keyes, Brad Johnson, and Bill Dial, all from the City of Whitefish**, wished to be included in the record in support of HB 431.

**Opponents' Testimony:** None

**Informational Testimony:**

**Ralph DeCunzo, Facilities Office, Department of Military Affairs**, outlined some of their concerns with the bill. He stated that the Whitefish armory was devalued after the local government re-zoned the property. DMA feels that the property is worth more than the current appraisal, and they are trying to get the most value for the state property.

***{Tape: 1; Side: A; Approx. Time Counter: 8.4 - 12}***

**Questions from Committee Members and Responses:**

**SEN. COBB** asked if there was a way to narrow the intent of the bill to include only the Whitefish armory. He is concerned with the unintended consequences of the bill. **REP. LAWSON** stated that the original intention was for the Whitefish armory, but it didn't make it through the House committee, due to the potential fiscal impact to the State. He is concerned that they would not be able to accomplish a site-specific bill. **SEN. COBB** and **REP. LAWSON** discussed the options.

*{Tape: 1; Side: A; Approx. Time Counter: 12 - 15}*

**CHAIRMAN WHEAT** asked Ralph DeCunzo if he is the person who negotiates the transfers. **Mr. DeCunzo** replied that he works with the Department of Natural Resources to do that.

**CHAIRMAN WHEAT** asked if he had tried to work out a first right of refusal without legislation. **Mr. DeCunzo** stated that they had to sell the property by the process developed under statute.

**CHAIRMAN WHEAT** and **Mr. DeCunzo** addressed those statutes and the process of selling State property.

**CHAIRMAN WHEAT** asked Gary Marks if he knew of any legislative restriction that would prohibit the Department from entering into a first right of refusal. **Mr. Marks** responded that legislation from the 1999 session would preclude that sort of arrangement.

*{Tape: 1; Side: A; Approx. Time Counter: 15 - 18}*

**Ralph DeCunzo** stated that right of first refusal is not part of the State process. **CHAIRMAN WHEAT** inquired where the code is that lists the process in statute.

**SEN. SQUIRES** asked if the landlord had to approve the sale.

**Ralph DeCunzo** agreed. **SEN. SQUIRES** asked if this bill would make that process any different. **Ralph DeCunzo** stated it would. **SEN. SQUIRES** asked if Whitefish will be able to have a hearing to okay the sale before the end of the session. **Ralph DeCunzo** stated that the process is different when the land was donated.

*{Tape: 1; Side: A; Approx. Time Counter: 18 - 22.7}*

**CHAIRMAN WHEAT** inquired if the property is currently listed for sale. **Ralph DeCunzo** answered that it is in the process; they are waiting for the title. He stated that they do not hire a real estate agent; they work with the Department of Natural Resources and Conservation.

**SEN. GEBHARDT** asked if the plan is to take the highest bid and have the local government match that bid. **Ralph DeCunzo** said that was the intent.

**Closing by Sponsor:**

**REP. LAWSON** closed, saying that his goal is to not cost the State any money, but to give the City of Whitefish or other cities the right of first refusal.

***{Tape: 1; Side: A; Approx. Time Counter: 22.7 - 25.3}***

The Committee continued to discuss the issues and codes regarding HB 431.

**EXECUTIVE ACTION ON HB 731**

**Motion:** **SEN. COBB** moved that HB 731 BE CONCURRED IN.

**Discussion:**

**SEN. COBB** stated that this bill allows volunteer firemen to continue working past 20 years; there is a need for more people.

**Vote:** Motion carried unanimously by voice vote.

***{Tape: 1; Side: A; Approx. Time Counter: 25 - 30}***

**SEN. GEBHARDT** will carry the bill on the Senate floor.

**EXECUTIVE ACTION ON HB 686**

**Motion:** **SEN. COBB** moved that HB 686 BE CONCURRED IN.

**Discussion:**

The Committee discussed that this is **REP. BERGREN's** bill. It will allow certain police officers to transfer to a different retirement system; they were left out last session. Nobody in the retirement system had a problem with the bill.

**Vote:** Motion carried unanimously by voice vote.

**SEN. COBB** will carry the bill on the Senate floor.

***{Tape: 1; Side: B; Approx. Time Counter: 0 - 4.6}***

EXECUTIVE ACTION ON HB 532

Motion: SEN. COBB moved that HB 532 BE CONCURRED IN.

Motion: SEN. COBB moved that HB 532 BE AMENDED.

**EXHIBIT**(sts62b01)

Discussion:

Pat Murdo explained the amendment.

Vote: Motion carried unanimously by voice vote.

Motion/Vote: SEN. COBB moved that HB 532 BE CONCURRED IN AS AMENDED. Motion carried unanimously by voice vote.

SEN. COBB will carry the bill on the House floor.

*{Tape: 1; Side: B; Approx. Time Counter: 4.6 - 7}*

EXECUTIVE ACTION ON HB 680

Motion: SEN. SQUIRES moved that HB 680 BE CONCURRED IN.

Discussion:

CHAIRMAN WHEAT said that there has been an agreement on this bill in the amendments. Robert Throssel, Montana Association of Clerk and Recorders, distributed and discussed the amendments. The amendments strip the bill down to simply a "format" bill, and adding an effective date of July 1, 2005.

**EXHIBIT**(sts62b02)

**EXHIBIT**(sts62b03)

*{Tape: 1; Side: B; Approx. Time Counter: 7 - 12}*

Mr. Anderson said that he was under the impression that the agreement was on the amendment offered by the Montana Land Title Association and Montana Petroleum Association.

**EXHIBIT**(sts62b04)

Robert Throssel stated that the two amendments he suggested contained the same information as Exhibit 4. Mr. Anderson had a

concern that the amendments proposed were different than those they had requested.

**SEN. SQUIRES** withdrew her motion.

The Committee decided to continue with executive action at a later time to allow Mr. Throssel and Mr. Anderson to go through the amendments.

*{Tape: 1; Side: B; Approx. Time Counter: 12 - 16.6}*

**EXECUTIVE ACTION ON HB 218**

**Motion:** **SEN. COBB** moved that HB 218 BE CONCURRED IN.

**Discussion:**

**SEN. GEBHARDT** explained that the Subcommittee met and that they recommend HB 218 with the amendments.

**EXHIBIT**(sts62b05)

**Pat Murdo** explained her language editing regarding Page 7, Line 9 of the bill. **Pat Keim** said that he does not have a problem with the wording.

**Motion/Vote:** **SEN. SQUIRES** moved that HB 218 BE AMENDED. Motion carried unanimously by voice vote.

**Motion/Vote:** **SEN. GEBHARDT** moved that HB 218 BE CONCURRED IN AS AMENDED. Motion carried unanimously by voice vote.

**SEN. GEBHARDT** will carry the bill on the Senate floor.

*{Tape: 1; Side: B; Approx. Time Counter: 16.6 - 20.5}*

**EXECUTIVE ACTION ON HB 680**

**Mr. Throssel** and **Mr. Anderson** returned to the hearing, stating that they had reached an agreement regarding the amendments.

**Pat Murdo** added that the amendments need to be in the legal form.

**CHAIRMAN WHEAT** stated that the Committee will continue with executive action on Wednesday, March 26.

***{Tape: 1; Side: B; Approx. Time Counter: 20.5 - 23}***

The Committee received a packet of information regarding SR 4 and SR 5, to be addressed on Wednesday, March 26, when the Committee takes executive action on the resolutions.

**EXHIBIT**(sts62b06)

**EXECUTIVE ACTION ON HB 468**

**Motion:** SEN. SQUIRES moved that HB 468 BE CONCURRED IN.

**Discussion:**

**Pat Murdo** explained that HB 468 and HB 253 should be addressed at the same time. She said that the bills coordinate fine, except at the end of the bills; the process is different.

***{Tape: 1; Side: B; Approx. Time Counter: 23 - 27.7}***

**Vote:** Motion carried unanimously by voice vote.

SEN. COONEY will carry the bill on the Senate floor.

**EXECUTIVE ACTION ON HB 253**

**Motion:** SEN. COBB moved that HB 253 BE CONCURRED IN.

**Motion:** SEN. COBB moved that HB 253 BE AMENDED.

**EXHIBIT**(sts62b07)

**Discussion:**

**CHAIRMAN WHEAT** asked if this bill was just a coordination for HB 468. **Pat Murdo** replied affirmatively.

**Vote:** Motion carried unanimously by voice vote.

**Motion/Vote:** SEN. COBB moved that HB 253 BE CONCURRED IN AS AMENDED. Motion carried unanimously by voice vote.

SEN. COONEY will carry the bill on the Senate floor.

***{Tape: 2; Side: A; Approx. Time Counter: 0 - 1.9}***

**EXECUTIVE ACTION ON HB 599**

**Motion/Vote:** SEN. GEBHARDT moved to BRING HB 599 BACK TO THE COMMITTEE FOR FURTHER CONSIDERATION. Motion carried unanimously by voice vote.

The Committee discussed that the bill was never reported out of Committee, so the previous motion was unnecessary.

**CHAIRMAN WHEAT** closed the meeting.

***{Tape: 2; Side: A; Approx. Time Counter: 1.9 - 6.1}***



**ADJOURNMENT**

Adjournment: 4:40 P.M.

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SEN. MIKE WHEAT, Acting Chairman

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REBECCA SATTLER, Transcriptionist

MW/RS

**EXHIBIT (sts62bad)**